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IN THE
COURT OF APPEALS OF INDIANA

JIMMY PARIS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 64A03-0607-CR-339
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE PORTER SUPERIOR COURT
The Honorable Roger V. Bradford, Judge
Cause No. 64D01-0508-FB-6472

May 16, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

Jimmy Paris appeals his maximum three-year sentence for possession of cocaine as a Class D felony. Paris contends that his sentence is inappropriate in light of the nature of his offense and his character. Finding that Paris's sentence is not inappropriate, we affirm the judgment of the trial court.

Facts and Procedural History

On April 29, 2005, Paris sold four baggies of crack cocaine to a confidential informant working for the Porter County Drug Task Force. He also "pinched" a small amount of the cocaine for his own personal use. Appellant's App. p. 16. The State charged Paris with dealing in cocaine as a Class B felony.[1] Pursuant to the terms of a Recommendation of Plea Negotiation, Paris pled guilty to possession of cocaine as a Class D felony,[2] and the parties agreed to argue the appropriate sentence. During the sentencing hearing, Paris, through counsel, agreed that the maximum sentence of three years is appropriate but requested that the trial court suspend all but the minimum sentence of six months. The trial court identified Paris's criminal history as an aggravating circumstance and concluded that Paris "is not a good candidate for probation" because he has never successfully completed any significant term of probation. Sent. Tr. p. 11. As such, the trial court imposed the maximum sentence of three years with no time suspended. Paris now appeals.

[1] Ind. Code § 35-48-4-1(a).

[2] Ind. Code § 35-48-4-6(a).

Discussion and Decision

On appeal, Paris argues that his sentence is inappropriate. Initially, we note that Paris committed the instant offense after our legislature replaced the former "presumptive" sentencing scheme with the present "advisory" sentencing scheme. As long as a sentence imposed under this new scheme falls within the relevant statutory range, we review it according to a single standard, established by Indiana Appellate Rule 7(B): whether, giving due consideration to the trial court's decision, the sentence is inappropriate in light of the nature of the offense and the character of the offender. *Gibson v. State*, 856 N.E.2d 142, 146-47 (Ind. Ct. App. 2006); *McMahon v. State*, 856 N.E.2d 743, 752 (Ind. Ct. App. 2006). In performing this review, we will assess the trial court's recognition or nonrecognition of aggravators and mitigators as an initial guide to determining whether the sentence imposed is inappropriate. *Gibson*, 856 N.E.2d at 147; *McMahon*, 856 N.E.2d at 748.

Paris makes no argument regarding the nature of his offense. However, he contends that his sentence is inappropriate in light of his character because: (1) he has struggled with substance abuse issues for the majority of his life; (2) he is committed to gaining custody of his infant son; (3) he is purchasing a trailer and regularly attending NA and AA meetings; (4) he committed the instant offense to support his drug addiction; and (5) his criminal history is largely a by-product of his drug addiction. Despite these considerations, we cannot say that Paris's maximum three-year sentence is inappropriate.

Paris's criminal record goes back to 1986 and includes two felony convictions (auto theft and domestic battery), at least eleven misdemeanor convictions, and at least

three probation violations.[3] In addition, Paris was on probation when he committed the instant offense. Also indicative of Paris's character is that when he was asked how many times he had been arrested between 1996 and 2006, he replied, "Three." Sent. Tr. p. 6. The truth is that Paris was arrested twenty-five times during that period. Whether he was lying, in denial, or simply unfazed by the extent of his criminal record, his answer reflects poorly on his character. Again, Paris, through counsel, conceded that the maximum sentence of three years is appropriate. He only asked that part of that sentence be suspended. However, given the extent of Paris's criminal history and his past struggles in complying with the terms of probation, we cannot say that his sentence is inappropriate.

Affirmed.

BAILEY, J., and BARNES, J., concur.

[3] The State filed another petition to revoke probation in 2002 and filed six addendums to that petition based on subsequent behavior between 2002 and 2005. There is no indication that Paris was ever found to have violated the terms of probation based on this petition and the addenda thereto. However, one of the addendums was based on the instant offense, to which Paris pled guilty. In addition, when asked whether he had ever successfully completed probation, Paris replied, "No." Sent. Tr. p. 6.